IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 22758 of 2007(H)

PETITIONER:

SREE VIVEKANANDA EDUCATIONAL AND
CHARITABLE TRUST, AKYAKAVU,TRICHUR DISTRICT-690619
REPRESENTED BY ITS CHAIRMAN, SRI.SHANMUGHAN.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

1. THE STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (D) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION,TRICHUR

4. DIRECTOR,
STATE COUNCIL FOR EDUCATIONAL RESEARCH AND
TRAINING, VIDYA BHAVAN, POOJAPPURA, TRIVANDRUM.

5. NATIONAL COUNCIL FOR TEACHERS EDUCATION,
SUB REGIONAL COMMITTEE, 1ST FLOOR, CSD BUILDING,
H.M.T. POST, BANGALORE.

BY ADV. SRI.V.M.KURIAN, SC, SRC-NCTE
G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, A/W. W.P.C.NO.23331/07 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.22758 & 23331 of 2007

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Dated this the 8th day of August, 2007

J U D G M E N T

In these writ petitions the petitioners have obtained recognition from the National Council for Teacher Education for conducting teacher's training courses in their teachers' training institutes. Thereafter, they applied to the Government for approval and inclusion of their institutes also in the list of institutions for allotment of students in the Government quota from the rank list prepared by the Deputy Director or Education for admission to teachers' training courses. The stand now taken by the Government is that since they have not obtained NOCs from the Government before getting recognition from the NCTE, their institutes cannot be recognised and admission in the Government quota made from the rank list prepared by the Deputy Director.

2. I have heard the learned counsel for the petitioners as

also the learned Government Pleader.

3. In view of several decisions of the Supreme Court, latest of which is *STATE OF MAHARASHTRA v. SANT DNYANESHWAR SHIKSHAN SHASTRA MAHAVIDYALAYA AND OTHERS* reported in 2006 (9) SCC page 1, it is settled law that NOC from the Government is not a requirement for recognition by the NCTE and approval of the institutes by the Government. That being so, the petitioners are entitled to succeed in these writ petitions. Accordingly, I direct the respondents to grant approval to the petitioners' institutes pursuant to the recognition by the NCTE to commence the courses during this academic year. Consequently, the concerned Deputy Director shall allot students in the Government quota for admission to the petitioners' institutes this year itself. Allotment of students shall be made along with other institutes.

The writ petitions are disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.